

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BAYVIEW LOAN SERVICING, LLC,  
  
Plaintiff/Counterclaim Defendant,  
  
v.  
  
EUNICE BIAS,  
  
Defendant/Counterclaim Plaintiff.

Cause No. C20-1822RSL

ORDER GRANTING IN  
PART BIAS' MOTION TO  
REOPEN

This matter comes before the Court on "Counter-Claim Plaintiff Bias['] Motion to Reopen Case, to Enforce Settlement Agreement & Impose Sanctions." Dkt. #19. Having reviewed the parties' submissions, the Court finds as follows:

1. The request for an order compelling payment of the settlement proceeds is DENIED as moot. The settlement amount has been paid.


2. The request for an order compelling the reissuance of the checks for reimbursement of escrow funds is GRANTED. The Uniform Commercial Code, as adopted in Washington, clearly provides that if there is an ambiguity as to whether a check is made out to two persons alternatively or together, it shall be payable to whichever payee possesses the instrument. RCW 62A.3-110(d). Depository banks may be liable for conversion if they incorrectly pay the instrument with the endorsement of only a single payee, however, and the Assistant Branch

1 Manager at Bias' branch could not confirm that Bank of America would negotiate the check  
2 with only her signature: if the check were returned, Bias would have to pay additional fees and  
3 charges. *See J.R. Simplot, Inc. v. Knight*, 139 Wn. 2d 534 (1999); Dkt. #24 at ¶ 3. Bayview  
4 offers no justification for requiring Bias to run that risk. It shall reissue the escrow  
5 reimbursement checks.  
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7  
8 3. Bias' request for an award of attorney's fees is DENIED.  
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10 For all of the foregoing reasons, the motion to reopen, enforce the settlement, and award  
11 attorney's fees is GRANTED in part. Bias shall return the escrow reimbursement checks to  
12 Bayview's counsel or file a declaration stating that the checks have been destroyed. Bayview  
13 shall, within seven days of receipt of the checks or the filing of the declaration, reissue the  
14 checks with "Eunice Bias," and only "Eunice Bias," as the designated payee.  
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18 Dated this 28th day of January, 2022.  
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22 Robert S. Lasnik  
23 United States District Judge  
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